



## IANDIORIO & TESKA

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September 21, 2004

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUBJECT:    Applicant:    Mark Hughes  
             Serial No:    10/628,764  
             Filed:        July 28, 2003  
             For:          A HAND HELD DEVICE COMPRISING A  
                             HANDLE AND AN OPERATIONAL MEMBER  
                             WHICH FOLDS INTO AND OUT OF A SIDE OF  
                             THE HANDLE  
             Group:        3724  
             Examiner:    Choi, Stephen  
             Docket No:    GJ-244J

Dear Sir:

Enclosed is a RESPONSE in reply to the Office Action mailed August 30, 2004, in the subject patent application.

If for any reason this RESPONSE is found to be INCOMPLETE, or if at any time it appears that a TELEPHONE CONFERENCE with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts (781) 890-5678.

If any payment during prosecution is found to be incorrect, please charge any deficiency or credit any overpayment to my Deposit Account No. 09-0002. A copy of this letter is enclosed for use by the Finance Branch in the event that it is necessary to make any charge or credit to my deposit account.

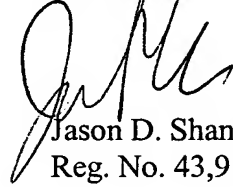
In addition, pursuant to Rule 1.136(a)(3), the Office is hereby authorized to treat any future reply requiring an extension of time as incorporating a request therefor. Also, any request or Petition for an Extension of Time notwithstanding an inadvertent reference

Commissioner for Patents  
September 21, 2004  
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in the Petition to a shorter period of time is to be treated as requesting the appropriate length of time.

Kindly acknowledge receipt of the foregoing by returning the enclosed self-addressed postcard.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Shanske', is written over the printed name.

Jason D. Shanske  
Reg. No. 43,915

JDS:lr  
Enclosures



IPW

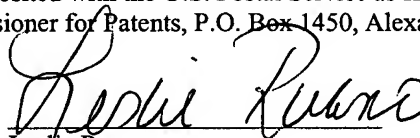
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark Hughes  
Serial No: 10/628,764  
Filed: July 28, 2003  
For: A HAND HELD DEVICE COMPRISING A HANDLE AND AN  
OPERATIONAL MEMBER WHICH FOLDS INTO AND OUT OF A SIDE OF  
THE HANDLE  
Group: 3724  
Examiner: Choi, Stephen  
Docket No: GJ-244J

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 21, 2004.

  
Leslie Ruano

RESPONSE

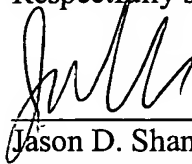
This Response is in reply to the Office Action mailed August 30, 2004, in the subject application. The Examiner states that the application contains claims directed to six (6) patentably distinct species of the claimed invention, Species A-F, and requires election of a single species for prosecution.

Accordingly, the applicant elects, with traverse, Species A and claims 1-5 and 9-11 which are readable thereon.

Each of the Examiner's rejections has been addressed or traversed. Accordingly, it is respectfully submitted that the application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts, (781)890-5678.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Shanske', written over a horizontal line.

Jason D. Shanske  
Reg. No. 43,915